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globe, such negligence, being the independent act of a responsible person, and intervening between the negligence of the defendant (if it was negligent in the premises) and the happening of the accident, broke the causal connection between the two, and hence became and was the proximate cause of the accident. See *Mahogany v. Ward*, 16 R. I. 497, 17 Atl. 860, 27 Am. St. Rep. 753." *Nelson v. Narragansett Electric Lighting Co.* (R. I.), 58 Atl. 802.

LIABILITY OF SHERIFF OR HIS DEPUTIES FOR FAILING TO EXECUTE PROCESS WITH REASONABLE DILIGENCE.—It is the duty of a sheriff to have a sufficient number of deputies to execute the mandates of court within a proper and reasonable time; and want of time is no excuse for failure to execute process, or for delay in doing so. *Hallett v. Lee*, 3 Ala. 28; *Mullings v. Bothwell*, 29 Ga. 706; *Ross v. Weber*, 26 Ill. 221; *People v. Palmer*, 46 Ill. 398, 95 Am. Dec. 418; *Arberry v. Noland*, 25 Ky. 421; *Emanuel v. Cocke*, 36 Ky. 212; *Bottom v. Breed*, 4 La. 344; *Guiterman v. Sharvey*, 46 Minn. 183, 48 N. W. Rep. 780. 24 Am. St. Rep. 218. Neither can he excuse himself from the service of process because it is erroneous, or irregular. *Mitchusson v. Wadsworth*, 1 White & W. Civ. Cas. Ct. App. (Tex.) sec. 976; *Stoddard v. Tarbell*, 20 Vt. 321; *Martin v. Hall*, 70 Ala. 421; *Howe v. White*, 49 Cal. 658; *Armstrong v. Jones*, 34 Ga. 309; *Kemp v. Williams*, 43 Ga. 211; *Singer Machine Co. v. Barnett*, 76 Ga. 377; *Allen v. Johnson*, 27 Ky. 235; *Commonwealth v. O'Cull*, 30 Ky. 149, 23 Am. Dec. 393; *Arnold v. Commonwealth*, 47 Ky. 109; *Steele v. Crabtree*, 40 Neb. 420, 58 N. W. Rep. 1022; *French v. Willett*, 17 N. Y. Super. Ct. 649; *Bank v. Pettes*, 13 Vt. 395. Where, however, the process is void a sheriff is not liable for failure to execute it. *Graham v. Chandler*, 15 Ala. 342; *State v. Forry*, 64 Ind. 260; *Williams v. Hall*, 32 Ky. 97; *French v. Willet*, 17 N. Y. Super. Ct. 649; *Newburg v. Munchower*, 29 Ohio St. 617, 23 Am. Rep. 769; *Hill v. Wait*, 5 Vt. 124. Failure to designate property of defendant on which levy, or to prove that sheriff knew of such property, is an excuse for not levying immediately. *Fisher v. Gordon*, 8 Mo. 386; *Taylor v. Wimer*, 30 Mo. 126; *State v. Ownby*, 49 Mo. 71; *Batte v. Chandler*, 53 Tex. 613.

Other excuses may be mentioned as follows: Failure to notify officer of the necessity of early service is sometimes an excuse. *Bloomfield v. Jones*, 2 La. Ann. 936; *State v. Blanch*, 70 Ind. 204. Where the execution of a writ would amount to a trespass, a sheriff is excused. *Campbell v. Sherman*, 35 Wis. 103. When execution is addressed "to any sheriff of the state of Alabama," sheriff is excused for failing to levy. *Governor v. Lindsay*, 14 Ala. 658. Where defendant had no property that could be levied on at the time, sheriff is excused. *Governor v. Campbell*, 7 Ala. 566. Pending a trial of the right of property under a former levy, sheriff excused for failure to levy a subsequent execution. *Hill v. Reitz*, 24 Ill. App. 391. Where title of property is vested in another, sheriff is excused. *Ammonette v. Crandell*, 10 La. Ann. 174; *Redus v. State*, 54 Miss. 712. That defendant was out of jurisdiction is an excuse. *State v. Ferguson*, 13 Mo. 166.

What Are Not Excuses.—The preference of an older execution over a younger, no excuse. *Bell v. King*, 8 Port. (Ala.) 147. That plaintiff had agreed with defendant to set off a debt, or suspend the levy, constitutes no excuse in the absence of instructions. *Crenshaw v. Harrison*, 8 Ala. 342; *Derby Bank v. Landon*, 2 Conn. 417. It is no excuse that property had been levied on before. *State v. Gemmill*, (Dec. 1855), 1 Houst. 9. The fact that a claim to property had been interposed under a prior levy no excuse for failure to levy a subsequent execution. *Brown v. McCrary*, 30 Ga. 878. Sickness of sheriff is no excuse. *Freudenstein v. McNeir*, 81 Ill. 208; *Campbell v. Luttrell*, 13 Mo. 27. It is no excuse that debtor did not have property enough to pay the whole claim. *Commonwealth v. Hurt*, 67 Ky. 64. Disclaimer of ownership by debtor no excuse. *Bachelder v. Chaves*, 5 N. Mex. 562, 25 Pac. Rep. 783. A fraudulent assignment of goods by debtor does not excuse sheriff from making levy. *Williams v. Lowndes*, 1 N. Y. Super. Ct. (1 Hall) 579. But see: *Reid Co. v. Sundback*, 5 S. Dak. 31. Notice of appeal no excuse. *Clark v. Carnley* (N. Y.), 3 Code Rep. 136. It is no excuse that debtor still has abundant property on which to make a levy. *Ledyard v. Jones*, 6 N. Y. Super. Ct. 67. Debtor's sickness or promise will not excuse a sheriff. *Cowan v. Sloan*, 95 Tenn. 424, 32 S. W. Rep. 388. Unrecorded, secret deed to property to secure other creditors constitutes no excuse. *Grove v. Harris*, 35 Tex. 320. That prior liens exist on property is no excuse to sheriff. *Smothers v. Field*, 65 Tex. 435.—*Central Law Journal*.

CRIMINAL LAW—TRESPASS—HUSBAND ENTERING WIFE'S LAND TO RESIDE THERE AFTER SHE HAS LEFT HIM AND FORBIDDEN HIM TO ENTER.—The right to prosecute a man for criminal trespass in entering upon his wife's land with intent to make his residence there is denied, in *State v. Jones*, 132 N. C. 1043; s. c. 61 L. R. A. 777; 43 S. E. Rep. 939, although she has left him and removed from the premises upon good grounds, for believing that he has been guilty of adultery, and has forbidden him again to enter upon them, and the Constitution provides that property shall be and remain her sole and separate estate.

CRIMINAL LAW—RAPE—SHAM MARRIAGE.—Procuring a woman's consent to sexual intercourse by means of a sham marriage is held, in *Lee v. State*, 43 Tex. Crim. App. 285; s. c. 61 L. R. A. 904; 64 S. W. 1047, to constitute rape, under statutes defining rape as carnal knowledge of a woman without her consent, obtained by force or fraud. Under the Virginia statute, sec. 3680, as amended by Acts 1895-6, p. 673, force is necessary except in cases of children under fourteen and inmates of lunatic asylums, and pupils, who are inmates of deaf, dumb and blind institutions.

PRISON RECORDS—BERTILLON MEASUREMENTS AND PHOTOGRAPHS—ACTION FOR LIBEL—MANDAMUS REFUSED.—*Roland B. Molineaux*, who was acquitted at a second trial upon the charge of murder, made application to